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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/931,577	08/17/2001	Shinji Negishi	SON-2196	2196

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RADER, FISHMAN & GRAUER, P.L.L.C
1233 20th Street, NW, Suite 501
Washington, DC 20036

EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 06/17/2009

Please find below and/or attached an Office communication concerning this application or proceeding.

Notification of Non-Compliant Appeal Brief (37 CFR 41.37)	Application No. 09/931,577	Applicant(s) NEGISHI ET AL.	
	Examiner MICHAEL VAN HANDEL	Art Unit 2424	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 09 March 2009 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.

EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☒ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☒ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☒ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☒ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☒ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

See Continuation Sheet.

/Christopher Kelley/
Supervisory Patent Examiner, Art Unit 2424

Continuation of 10. Other (including any explanation in support of the above items): Regarding 2 above: under claims canceled, Appellant has listed none. The examiner notes that claims 2-13, 15-26, 31, 44, 47, 53-77, 79-94, and 110-115 have been cancelled, as noted in the amendment filed 1/08/2009. Regarding 4 above: Appellant appears to have incorrectly labelled claims 33, 46, 98, and 109 as independent claims, while they are listed as dependent claims in the amendment filed 1/08/2009. Regarding 5 above: the claims listed under Section B as being rejected under 35 USC 103 are incorrect. The examiner made a typographical error in the heading of the 103 rejection section in the Final Rejection mailed 4/30/2008, listing claims 27-30 and 32-39 as being rejected both under 35 USC 102 and 35 USC 103. The examiner notes these claims are only rejected under 35 USC 102, as reflected by the absence of reference to these claims in the body of the rejection under the 35 USC 103 heading. Regarding 6 above: the arguments should be changed to correspond to examiner's noted typographical error. Regarding 7 above: The crossed out word "said" should be removed from claim 28 in the claims appendix. Claim 120 should be changed to depend from claim 119 to correspond to the amendment filed 1/08/2009 (claim 114 has been cancelled).